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THE INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

OCTOBER 1982

VOL. III, NO. 17

INTERIM COMMITTEES

JUDICIARY

RECOMMENDATIONS
APPROACH FINALITY

On September 25, 1982, the Judiciary Subcommittee met to continue its studies on appellate delay, judicial redistricting, and the delivery of indigent defense and prosecutorial services in Montana. Committee action included:

- 1) Revising LC 90 to permit the Supreme Court to grant or deny an appeal after initial review of the facts and law of a case and delaying action on this legislation pending input from the Court;
- 2) Adopting a judicial redistricting plan that alters the boundaries of ten districts, creates four new judgeships, and eliminates one existing judgeship, and requesting staff to draft legislation implementing the plan;
- 3) Requesting staff to draft legislation requiring the training coordinator for county attorneys to develop and the Supreme Court to distribute a checklist of legal issues to assist judges, prosecutors, and defense attorneys in prosecuting criminal cases;
- 4) Adopting an amended version of LC 67 to provide additional state funding for prosecutorial services in the amount of \$1 per county resident in each county employing a deputy county attorney;
- 5) Adopting LC 68, an act to provide longevity pay for county attorneys and their deputies;
- 6) Requesting staff to draft legislation to provide that a deputy county attorney with three years or more of service cannot be terminated except for cause;
- 7) Adopting an amended version of LC 77 to provide for nonpartisan elections for county attorneys and sheriffs;

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- 8) Adopting an amended version of LC 83 to permit the training coordinator for county attorneys to serve as special counsel, without approval of the county commission, in a case involving the prosecution of a county commissioner or his relative;
- 9) Requesting staff to refine LC 70 to permit a defendant sentenced to death to be confined at the state prison at state expense pending execution; and
- 10) Adopting LC 35, an act to create the position of public defense coordinator.

NOVEMBER 13
DATE SET

The final meeting of the Judiciary Subcommittee is tentatively set for Saturday, November 13, 1982.

FISH AND GAME

FINAL MEETING
OCTOBER 14

The Subcommittee on Fish and Game will hold its final meeting on October 14 in Helena. This is a change from the previously scheduled date of October 1.

The meeting will be a work session with the Subcommittee developing recommendations to the Legislature and a final report. The meeting will be in Room 108 of the Capitol beginning at 9:00 a.m.

BUSINESS

OCTOBER 6
DATE SET

The Subcommittee on Business has been reviewing information in four general areas: (a) reserved water rights; (b) capital gains taxation; (c) environmental regulation; and (d) general taxation.

The Subcommittee and the EQC are cosponsoring the Forum on Environmental Regulation and the Economy on October 4 and 5 in Helena. A Subcommittee meeting will be held in conjunction with the Forum on October 6 in Room 104 of the Capitol. A final report outline and legislative recommendations will be the order of business.

EDUCATION

MAJOR CHANGES PROPOSED TO EQUALIZE SCHOOL FUNDING

The Joint Subcommittee on Education held the final meeting of the interim on Friday, September 10. The Committee reviewed draft legislation on a guaranteed tax base program to provide a measure of equalization in the voted area of school budgets. Under LC 69, a district whose taxable valuation per ANB falls below the state average taxable valuation per ANB would be eligible for a share of state aid in the voted area. The program would guarantee voted amount aid up to 50% above the schedule amount for the size of district. The Committee voted unanimously to recommend the guaranteed tax base program and stressed that such a program be considered in conjunction with adequate schedule increases in foundation program support. The Committee voted at the previous meeting to recommend LC 29, a draft bill to eliminate the permissive amount and the permissive levy allowed school districts and to increase the basic county equalization levy to 55 mills.

RETIREMENT REVISIONS DEFERRED

The Committee reviewed draft legislation that would provide state aid to assist the counties in equalizing the teachers' retirement levies. The Committee did not recommend this legislation but rejected it only because the Committee members set a priority on recommending the equalization measures discussed above.

AS WAS CONSOLIDATION

The Committee voted against recommending a draft bill that would require nonisolated small high school districts to finance a portion of their own foundation program

The final report from the Joint Subcommittee on Education will be available in late October.

HUMAN SERVICES

FINAL MEETING OCTOBER 13

The Subcommittee on Human Services met in a work session on September 13. The Subcommittee decided to reject the Persistent Status Offender Task Force proposal but did approve consolidation of residential services to youth in the Department of Social and Rehabilitation Services.

The Subcommittee will be meeting October 13 in Room 104, State Capitol, to finalize recommendations.

ADMINISTRATIVE CODE COMMITTEE

CERTIFICATE OF NEED RULES

The Administrative Code Committee met on September 17 and, among other items of Committee business, reviewed amendments recently proposed to the Certificate of Need rules by the Department of Health and Environmental Sciences. The rule amendments and one new rule proposed by the Department in 1982 MAR Issue No. 16 would expand the application of the state's certificate of need statutes and rules to cover certain private physicians and dentists as well as health care facilities, and would also establish "batching" and "challenge" periods during which competing proposals for the purchase of medical equipment would be reviewed by the Department of Health. At the meeting, the Committee voted to request that the Department amend the rules as proposed to more closely comply with the legislative intent that the offices of private physicians and dentists were to be excluded from the coverage of the statutes and to comply with the Committee's interpretation of the time period for review of competing applications established by the Legislature.

SRS POOR FUND RULES

The Committee reviewed rules recently proposed by the Department of Social and Rehabilitation Services specifying the conditions for matching grant-in-aid funds from the state and specifying what expenditures are allowable from county poor funds. The Committee has requested that the Department amend the rules to specify whether or not the administrative expenses of operating a county "workfare" program under the provisions of Chapter 11, Sp. L. 1981 (HB 13) are expenditures that may be paid from a county poor fund.

COUNTY LANDFILLS

In other Committee business, the Committee agreed to distribute to all county commissions a copy of proposed changes to rules of the Department of Health governing the operation of landfill type solid waste facilities. The proposal has been drafted by a committee of concerned county representatives for the purpose of tailoring the solid waste disposal facility rules to the population served by the solid waste disposal facility. The proposal provides that landfills in unincorporated rural areas, in towns, and in third-class cities need not be operated under the same stringent requirements for the use of earthen

cover material on a daily basis and the use of supervision at the landfill sites, as are landfills serving first-class cities. Commissioners wishing to see the proposal adopted in the form of Health Department rules may contact the officials of the Solid Waste Bureau of the Department of Health and Environmental Sciences.

**RULEMAKING
PAMPHLET**

The Committee also agreed to sponsor the writing and publication of a pamphlet furnishing information to legislators and other interested persons on the rulemaking process and legislative involvement in that process.

ENVIRONMENTAL QUALITY COUNCIL

HARDROCK MINING

The EQC/ROC Hardrock Mining Subcommittee has scheduled a working committee meeting and public hearing for November 5 in Room 104 of the Capitol. At the working session, the subcommittee will continue deliberating on a few unresolved aspects of the HJR 66 hardrock study. The hearing is being conducted in order to receive public input on the draft HJR 66 Report which is now substantially complete. Following the activities on the 5th, the subcommittee will issue a final report for presentation to the Legislature.

To receive a copy of the draft report prior to November 5, contact EQC staff at 449-3742.

LEGISLATIVE COUNCIL

RAMIREZ APPOINTED

Representative Jack Ramirez has accepted an appointment to the Legislative Council. He replaces Burt Hurwitz who resigned from the Legislature. (House District 45 is represented by Connie Townsend of White Sulphur Springs.)

ARCHITECT CHOSEN

The Parrish Architects of St. Paul, Minnesota, were chosen by the Legislative Council to study the costs of renovation of the old prison. The Council chose from among 14 proposals. The estimated cost of the project is \$23,400. The architect plans to begin work immediately. He will maintain constant contact with the Corrections Task Force in conducting his work.

BUDGET DISCUSSION
CONTINUES
OCTOBER 8

The Council will continue deliberations on its budget proposal at an October 8 meeting. Among the difficult budget issues to be decided are what should be the proper funding amounts for legislator travel to interstate meetings under the auspices of groups such as NCSL and CSG.

LEGISLATIVE AUDIT COMMITTEE

MEETING

The Legislative Audit Committee, consisting of Senators Matt Himsel, Chet Blaylock, Steve Brown, and Frank Hazelbaker; Representatives Kathleen McBride, Robert Anderson, Jim Burnett, and Steve Waldron, will meet on October 18 in Room 104 of the Capitol.

SUNSET

The committee will make decisions on the following:

Public Service Commission and the Department of Public Service Regulation

Board of Milk Control

Department of Highways

REPORTS AVAILABLE

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.

SALARY COMMISSION

CHAIRMAN SELECTED

The Montana Salary Commission elected Maurice Evans of Billings as its chairman at the organizational meeting on September 14. Associate Justice Frank Morrison, Jr., and District Judge Arnold Olsen made presentations comparing judicial salaries with other states and with practicing attorneys. The Commission set its second and final meeting for 10:30 a.m., Friday, November 12, in Room 104 of the Capitol. Legislative leadership was invited to meet with the Commission then.

NOVEMBER 12
MEETING

DISTRICTING AND APPORTIONMENT

OCTOBER DECISIONS TO CONCLUDE REAPPORTIONMENT PROPOSAL

A hearing on Missoula districts was conducted in September. October will see hearings on Helena and Great Falls area districts and on Senate pairings. All legislators, news media, and other interested persons have received detailed information on the October schedule. The most critical thing to note is that with its October 5 meeting, the work of the Districting and Apportionment Commission will be nearing completion. The Commission's duty is to submit a Districting and Apportionment Plan to the Legislature within the first 10 days of the session. The Legislature has 30 days to review the plan and comment upon it. Then the plan and comments return to the Commission, which will review them and decide upon a final plan. That plan will be submitted to the Secretary of State sometime in February and will become law.

LEGISLATIVE INTERIM CALENDAR

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
3	4 DIST/APPORT. HEARING 10:00 Great Falls BOC BUSINESS SUBCOMMITTEE FORUM -- Colonial Inn CORRECTIONS TASK FORCE Rm. 104, 9:00	5 DIST/APPORT. HEARING 10:00 Helena, Rm. 415 BOC BUSINESS SUBCOMMITTEE FORUM -- Colonial Inn CORRECTIONS TASK FORCE Rm. 104, 9:00	6 BUSINESS SUBCOMMITTEE Room 104 9:00	7	8 CONSUMER COUNCIL Rm. 104, 10 - 3	9
10	11	12		13 SUBCOMMITTEE ON HUMAN SERVICES Rm. 104, 9:00 All Day	14 LEGISLATIVE FINANCE COMMITTEE Rm. 104, 9:00 --- All Day	16
					FISH & GAME COMMITTEE Rm. 108, 9:00	TASK FORCE ON CORRECTIONS Rm. 108, 9:00
17	18	19		20	21	22
	LEGISLATIVE AUDIT COMMITTEE Rm. 104					
24	25	26		27	28	29
						TASK FORCE ON CORRECTIONS Rm. 104, 9:00
						30
						31

LEGISLATIVE INTERIM CALENDAR

Dates subject to change						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8 CORRECTIONS TASK FORCE Rm. 104, 9:00	9 10 11 COAL TAX OVERSIGHT COM. Rm. 104, 1 p.m.	10 11 COAL TAX OVERSIGHT COM. Rm. 104, 1 p.m.	12 13 SUBCOMMITTEE ON JUDICIARY Rm. 104, 9:00 14 REVENUE OVERSIGHT COM. Rm. 108, 9:00	12 13 SUBCOMMITTEE ON JUDICIARY Rm. 104, 9:00 All Day 15 16 17 18 LEGISLATIVE FINANCE COM. Rm. 104, 8-5	13 SUBCOMMITTEE ON JUDICIARY Rm. 104, 9:00 16 CAUCUS & ORIENTATION Colonial Inn 20 CORRECTIONS TASK FORCE Rm. 104, 9:00 21 22 23 24 25 26 27 28 29 30

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